

March 4, 1954

Arthur E. Bean, Jr., Esq.,
Assistant Attorney General

Attorney General

Ralph G. Carpenter, 2nd, Director,
Fish and Game Department

Dear Ralph:

You have inquired whether proceeds derived from the sale of licenses and from fines received from violators of the laws relative to clams and oysters may be used for experimental work on clams or oysters as the case may be.

It is the opinion of this office that such sums may properly be used for experimental work on clams, but not on oysters.

R.L. c. 245, s. 66, as inserted by c. 134, Laws of 1953, provides that two separate accounts are to be established to be used "for the administration of laws relative to clams or laws relative to oysters, respectively". This section continues,

"In the enforcement of the provisions relative to taking of clams or oysters, the fish and game department shall not expend in any year sums in excess of amounts collected from said . . . licenses and fines."

The phrase "administration of laws relative to", includes all laws relating to the particular subject. R.L. c. 245, s. 63, as amended by c. 215, Laws of 1953, provides that the Director may undertake experimental work in relation to clams. In the administration of this law, sums received from clam licenses and fines may properly be used.

The laws relative to oysters do not provide for anything other than the issuance of licenses. Consequently, your use of the revenue received from this source may be spent only in the administration of any laws concerning oysters, and you are thereby restricted to enforcement and administration of the present licensing law.

Very truly yours,

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Arthur E. Bean, Jr.
Assistant Attorney General

CONCORD, N.H.

AEBJr:MP

George F. Nelson, Esq.,
Assistant Attorney General

March 4, 1954

Attorney General

Winfield J. Phillips,
Bank Commissioner
Room 301, State House

Dear Sir:

Relative to your inquiry concerning R.L. c. 315,
ss. 25 and 36, those sections are not in conflict.

The power of the board of directors of a credit
union to "fill vacancies in the board of directors until new
members shall be elected and qualified", contemplates a vacan-
cy occurring by death, resignation or other permanent termina-
tion of a directorship, thereby creating a vacancy. (Sec. 26).

Section 36, which gives the supervisory committee
the power to "make temporary appointments to fill vacancies
caused by the absence, illness or suspension of any . . .
director, . . ." refers only to temporary situations where it
is contemplated that the regular director will eventually re-
turn or be restored to his directorship.

With this clarification I hope your problem may
be answered.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFW:MP